

## REMARKS

This amendment is being submitted in response to the Office Action dated 19 February 2002, the time to respond being until 19 May 2002. Reconsideration and allowance of this application are also respectfully requested. Claim 8 is herein cancelled and claims 1 and 7 are amended. Thus, claims 1-7 and 9-15 are pending in the application.

The Examiner rejected claims 7 and 12-13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,197,830 to Hoadley. According to the Examiner, Hoadley teaches all of (1) a support device comprising a strap having a fastener portion, (2) a support portion having a channel formed in the strap, (3) a first end has means for attaching the strap to an existing structure, (4) a second end has an aperture, and (5) the strap is made from a vinyl plastic which is a flexible material.

Indeed, Hoadley does show a strap having a fastener portion, a support portion having a channel formed in the strap, means for attaching the strap to an existing structure, and an aperture at the other end. Moreover, the strap is made from a vinyl plastic. However, the similarity quickly ends. The Hoadley device is meant for keeping electrical cords wrapped. This is an entirely different purpose than the present invention, and the different purpose drives certain structural modifications as will be described.

As stated in the specification, the present invention is a support mechanism for pipes and the like. The specification makes it abundantly clear that a primary advantage is the ability to adjust without taking it apart. This is to accommodate different sized pipes and ducts as well as to hang them at different elevations. This feature is implemented by a fastener strip (12) that is

inserted into a receiver loop (14), and that is variable in diameter relative to a fixed point of suspension. Structurally, this is achieved by cutting a central section in a blank to form a serrated fastener strip (12) that can then be inserted into the receiver loop (14). This forms a support loop of variable dimension and of variable height-adjustability. The resulting “on-the-job” adjustment feature is especially helpful in the intended context because pipes tend to expand/contract and may settle over time.

In contrast to the above and using the Examiner’s interpretation, the Hoadley fastener portion (12) is formed with an stamped arrow-shaped head (16) which is then passed through aperture (18) to form a closed loop. The closed loop formed by such procedure is *not* adjustable in dimension (i.e. diameter). The inability to adjust the dimension of the loop creates severe limitations as to the articles to which the strap (10) may be attached.

In order to make the above-described distinction abundantly clear in claim 7, claim 7 is herein amended to recite “fastener portion *formed by cutting a central section in said strap member*, said fastener portion comprising *a plurality of serrations formed along its length...whereby when said fastener strap is inserted through said aperture a support loop of variable dimension is formed ...*” Applicant believes that amended claim 7 is now patentably distinguished.

Claims 12 and 13 depend from claim 7 and incorporate by reference the same above-described limitations. Consequently, Applicant believes that claims 12 and 13 are also patentably distinct.

The Examiner also rejected claims 1-6, 8-11, and 14-15 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,197,830 to Hoadley in view of U.S. Patent No.

4,477,950 to Cisek et al. The Examiner stated that “it would have been obvious to one skilled in the art” to modify the Hoadley apparatus to include (1) a fastener portion having a plurality of serrations and (2) means for receiving and engaging a flap member as taught by Cisek et al. Further, the Examiner stated that “it would have been obvious...” to utilize a die cutting process as an alternate means of manufacturing and that the Hoadley specification and claims can be used as a method for hanging and supporting an object from an existing structure.

Applicant maintains that the Examiner has inappropriately combined the teachings of Hoadley and Cisek et al. The Hoadley device, as described and claimed, is an apparatus for use in association with an electrical cord. Given that the fastener portion (12) and the matching aperture (18) are intended to form a loop attached to (i.e. “wrapped around”) a single strand of electrical cord (see column 1, lines 63-64, claim 1 at column 3, lines 15-16, claim 2 at column 3, lines 33-34, and claim 3 at column 4, line 7) and that all manner of electrical cords remain substantially similar in circumference, the addition of the plurality of serrations taught by Cisek et al. to Hoadley’s fastener portion (12) is illogical. Adding a plurality of serrations to the fastener portion (12), thereby making the loop it forms adjustable in length, would only serve to waste material by unnecessarily increasing the overall length of the strap (10) and increase associated manufacturing costs by introducing unnecessary complexity into the mold that would be used in an injection molding process, or into the die that would be utilized in a stamping operation.

As stated above with regard to claim 7, a primary advantage of the present invention is the ability to adjust to various pipe-widths and elevations without taking the device apart. This feature is structurally implemented by cutting a central section in a blank to form a serrated

fastener strip (12) that can then be inserted into the receiver loop (14). To highlight and clarify this intention, claim 1 is amended in the same manner as claim 7 to recite “a fastener portion *formed by cutting a central section in said strap with a plurality of serrations formed along the length of said fastener portion*” [such that] “when said fastener portion is inserted through said receiving means of said second end of said strap, *a support loop of variable dimension* is formed by locking engagement between one of said plurality of serrations and said second end of said strap.” Even if Hoadley and Cisek et al. could be combined, neither teaches or suggests the additional limitations added by amendment, and therefore Applicant believes that amended claim 1 is patentably distinguished from the cited combination.

Claims 2-6 depend from claim 1 and incorporate by reference the same limitations. Additionally, claims 9-11 (claim 8 being herein cancelled) and 14 depend from claim 7 and incorporate by reference the same limitations. Consequently, Applicant believes that claims 2-6, 9-11, and 14 are also patentably distinct.

With respect to claim 15, Applicant maintains that the method of the present invention is not rendered unpatentable by the Hoadley specification and claims. Claim 15 recites “[a] method for hanging and supporting ducts or other devices from an existing structure comprising the steps of...separating said strap into a pair of support members and a fastening portion characterized by a plurality of serrations...adjusting the length of said strap by pulling said fastening portion through said receiving means...engaging one of said plurality of serrations with said receiving means such that said desired length is fixed.” The elements of the Hoadley device (i.e. fastener portion (12) and pair of support members (reference letters “a” and “e” as added to Figure 2 by the Examiner)) that may be *separated* do not possess a plurality of serrations

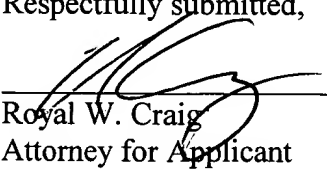
providing for an adjustable length loop formed when the fastener portion (12) is pulled through the matching aperture (18). Therefore, any loop formed by Hoadley's fastener portion (12) and pair of support members (Fig. 2, "a" and "e") will possess a non-adjustable (i.e. fixed or pre-determined) length.

Applicant acknowledges that the Hoadley device could be utilized to hang or support an object from an existing structure by passing end (24) with serrations (32) through aperture (26). However, the method of doing so fails to include the aforementioned step of "separating said strap into a pair of support members and a fastening portion characterized by a plurality of serrations." Thus, Applicant believes that the method of claim 15 is patentably distinguished from that disclosed in the specification and claims of Hoadley.

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In view of the above amendments and remarks, it is believed that this application is now in condition for allowance, and such a Notice is respectfully requested.

Respectfully submitted,

  
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5/20/02  
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## APPENDIX A: REDLINED CLAIMS

Redlined versions of claims :

1. (Once amended) A duct support device comprising:  
a strap having:

- (i) a fastener portion formed by cutting a central section in said strap with a plurality of serrations formed along the length of said fastener portion;
- (ii) a pair of support members having a channel formed there between;
- (iii) a first end having means for attaching said strap to an existing structure; and
- (iv) a second end having means for receiving and lockingly engaging said serrations of said fastener portion;

whereby when said fastener portion is inserted through said receiving means of said second end of said strap, [one of said plurality of serrations lockingly engages said second end of said strap, and] a support loop of variable dimension is formed by locking engagement between one of said plurality of serrations and said second end of said strap.

7. (Once amended) An adjustable flexible strap for supporting and securing ducts, comprising a strap member having:

- (i) a fastener portion formed by cutting a central section in said strap member, said fastener portion comprising a plurality of serrations formed along its length;
- (ii) a support portion;
- (iii) a first end for attaching said strap member to an existing structure; and
- (iv) a second end having an aperture for receiving and engaging said fastener portion;

whereby when said fastener strap is inserted through said aperture a support loop of variable dimension is formed by said fastener portion and said support member for receiving said duct therein.